



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

April 10, 2019

Hon. David N. Hurd  
United States District Court  
Alexander Pirnie Federal Building  
Utica, New York 13501

Re: *Pearson v. Porlier*  
9:15-cv-01427 (DNH/DJS)

Dear Judge Hurd:

This Office represents Defendant Brockley in the above referenced case. I am in receipt of Attorney Lichtmacher's letter of today's date.

This Office received discovery demands from Attorney Lichtmacher concerning the punitive damages aspect of this case. These demands consisted of 27 pages of interrogatories and demands for documents.

During the week of March 25, and since that date, Attorney Lichtmacher and I have spoken on nearly the daily basis concerning settlement of this case. During the week of March 25, 2019, I advised Attorney Lichtmacher as to my client's salary, advised him that salary information for New York State employees was available online, and provided him with basic information concerning the value of my client's vehicles. Based, seemingly, on this information, we received a firm settlement demand from Attorney Lichtmacher during the week of March 25, 2019, and a firm demand for fees during the week of April 1, 2019.

During the week of April 1, 2019, I was able to obtain certain settlement authority from the Office of the Attorney General, which entailed several levels of approvals, and on April 8, 2019, I forwarded a settlement memorandum to Counsel for DOCCS with a request for settlement authority. I have continued to keep Attorney Lichtmacher apprised of my efforts concerning settlement. I have been advised by DOCCS's counsel that I should have a response today concerning settlement authority.

When Attorney Lichtmacher raised issue with the failure to provide him with discovery responses this morning, I immediately reached out to my client who assured me that I will have his responses and pertinent discovery materials sent by facsimile today. I informed Attorney Lichtmacher that I would review and turn the responses around to him as soon as possible.

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I have repeatedly represented to Attorney Lichtmacher that I would provide the written discovery and that I would agree to produce Mr. Brockley following the April 9, 2019 deadline for a deposition should he wish to depose him upon receiving our written responses.

Respectfully, I do not believe that any Court intervention is necessary. In the event the Court determines otherwise, we respectfully request that Defendant's time to respond to discovery be extended to April 12, 2019. As I represented to Plaintiff's counsel, I will endeavor to have responses to Attorney Lichtmacher tomorrow, but have not had an opportunity to review my client's information or documentation.

Respectfully yours,

*s/Brian W. Matula*

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